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March 26, 2020

BY ECF

Honorable Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Brandon Barnes v. City of New York, et al., 19-CV-7275 (MKV)

Your Honor:

I am an attorney in the Office of Corporation Counsel and I represent defendants Pizarro, Pimentel, and The City of New York (“Defendants”) in the above-referenced matter. Defendants write to respectfully request a ninety (90) day stay of all dates and deadlines in this action. Plaintiff’s counsel, Rose Weber, consents to this request.

On January 7, 2020, plaintiff filed an Amended Complaint adding 2 new NYPD defendants, Richard Pimentel and Jose Hernandez. On February 26, 2020, the Court issued an Order extending the time for defendants Pizarro and the City to respond to the Amended Complaint to March 30, 2020. On information and belief, plaintiff’s counsel sent waivers of Service to Richard Pimentel on January 30, 2020, and to Jose Hernandez on February 20, 2020. Accordingly, defendant Pimentel’s response to the Amended Complaint would also be due March 30, 2020, and defendant Hernandez’s response would be due April 20, 2020.

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well.

That same day, the United States District Court for the Southern District of New York (“Southern District”) issued Standing Order 20 MISC 154, which encouraged individual judges to conduct court proceedings by phone and video conferencing where practicable. Also on March 13, 2020, the Southern District issued Standing Order 20 MISC 0153, which suspended and tolled service of process requirements and deadlines in *pro se* matters. On March 16, 2020, the Southern District issued a Revised Standing Order further limiting access to courthouses. On March 20, 2020, Governor Andrew Cuomo, issued Executive Order No. 202.8, tolling the statute of limitations until April 19, 2020 and prohibiting all non-essential employees to going into the workplace.

In light of pronouncements from government and judicial officials, associated policies, expert recommendations, and the further spread of COVID-19, the New York City Law Department, along with the majority of employers in New York City and State, has advised that individuals should work from home as much as is practicable to ensure compliance with public policy directives, and to protect individuals from further community spread of the virus.

Of course, working from home creates a number of challenges that directly impact litigation, including, *inter alia*, our ability to review case files that are in the office and contain documents that may not be available in electronic form, as well as our office’s ability to procure new documents and meet with clients. Further, although the undersigned has spoken to Sergeant Hernandez by telephone, I had not yet met with him personally to finalize our office’s legal representation of him prior to the time that our office implemented the work from home policy earlier this month. Accordingly, although this Office has not yet assumed legal representation of Sergeant Hernandez, we do anticipate that happening once we are able to do so.

For the reasons set forth herein, the requested stay is necessary to allow all parties to weather this pandemic without fear about whether their claims or defenses will be jeopardized due to circumstances that are beyond our control. Accordingly, Defendants respectfully request a ninety (90) day stay of all dates and deadlines in this litigation.

I thank the Court for its time and consideration of this matter.

Respectfully submitted,

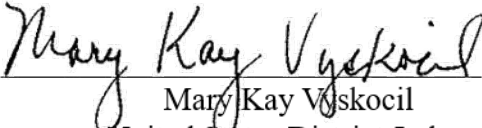
/s/ *Matt McQueen*

Matthew W. McQueen
Special Federal Litigation Division

cc: BY ECF
Rose Weber, Esq.
Attorney for Plaintiff

This request is GRANTED. Defendants the City of New York, Pizarro, and Pimentel shall respond to the Amended Complaint by June 29, 2020. Defendant Hernandez shall respond by July 29, 2020.

Date: 3/30/2020
New York, New York


Mary Kay Vyskocil
United States District Judge